



February 25, 2014

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## ENGROSSED SENATE BILL No. 284

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DIGEST OF SB 284 (Updated February 25, 2014 11:36 am - DI 116)

**Citations Affected:** IC 20-28; IC 20-29; IC 20-40; noncode.

**Synopsis:** Various education matters. Changes the date, from August 15 to fourteen days before the first day a teacher is required to report for duty, after which a contract entered into between a school corporation and a teacher is void if at the time of signing the contract the teacher is bound by a previous contract, unless the teacher provides a 30 day written notice to the first employer or the first employer releases the teacher from the previous contract. Provides that a transition to teaching program participant may obtain a license to teach in prekindergarten if the participant meets certain requirements. Provides that a school corporation may include and account for proceeds from rental income, or earnings generated by other corporation activities, in separate funds apart from the general fund. Provides that money received from the proceeds of rental income, or earnings generated by other corporation activities, may be disbursed without appropriation. Provides that if the school is closed on a non instructional day in which the teacher is required to work or teacher professional development training or education is provided and the  
(Continued next page)

**Effective:** Upon passage; January 1, 2014 (retroactive); July 1, 2014.

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### Grooms, Kruse, Rogers

(HOUSE SPONSORS — RHOADS, THOMPSON, BATTLES)

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January 13, 2014, read first time and referred to Committee on Education and Career Development.

January 30, 2014, amended, reported favorably — Do Pass.

February 3, 2014, read second time, ordered engrossed. Engrossed.

February 4, 2014, read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

February 10, 2014, read first time and referred to Committee on Education.

February 25, 2014, amended, reported — Do Pass.

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work day or teacher professional development training or education is rescheduled, each teacher shall work on that rescheduled day without additional compensation. Provides that a district wide or school wide committee that has teacher members who are members of the exclusive representative and teacher members who are not members of the exclusive representative may address discussion topics subject to bargaining. Provides that a provision relating to local salary scale increases applies upon the expiration of a contract or part of a contract in existence on July 1, 2012. Provides the reimbursement of a mediator in a collective bargaining proceeding. Provides that Indiana education employment relations board (IEERB) may appoint a financial consultant to assist a factfinder during mediation. Provides for reimbursement of IEERB by the parties involved in mediation. Provides that the complaint for an unfair practice must be filed within three years of the alleged unfair practice or within three years of the time in which the school employer or school employee reasonably should have known of the alleged unfair practice. Provides that a person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of two years except by the mutual consent of the parties. Changes the date in which a factfinding hearing in an impasse procedure must occur. Provides that the factfinding process in an impasse procedure may not exceed 30 days. Urges the legislative council to assign to an existing study committee the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.



February 25, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 284

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-28-4-4, AS AMENDED BY P.L.6-2012,  
2       SECTION 134, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2014]: Sec. 4. An entity approved by the  
4       department may establish a course of study that meets the requirements  
5       of this section. A program approved under this section must comply  
6       with the following requirements:

7       (1) Include the following study requirements:

8       (A) For a program participant who seeks to obtain a license to  
9       teach in grades 5 through 12, up to eighteen (18) credit hours  
10      of study or the equivalent that:

11      (i) prepares a program participant to meet Indiana standards  
12      for teaching in the subject areas corresponding to the area in  
13      which the program participant has met the education  
14      requirements under section 5 of this chapter, unless the  
15      program participant demonstrates that the program  
16      participant requires fewer credit hours of study to meet

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Indiana standards for teaching; and

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 2. IC 20-28-4-5, AS AMENDED BY P.L.205-2013, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience;

in the subject or a related area that the individual intends to teach.

(D) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution; and

(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.



(2) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience in an education related field, as determined by the department.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution; and

(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

SECTION 3. IC 20-28-7.5-8, AS ADDED BY P.L.90-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into ~~after August 15~~ **less than fourteen (14) days before the day on which teachers must report for work** between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

(1) furnishes the principal a release by the employer under the previous contract; or

(2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 4. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract **or part of a**



**contract** in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.



(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 5. IC 20-28-9-15, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 15. **(a) Except as provided in subsections (b) and (c), if during the term of the teacher's contract:**

(1) the school is closed by order of the:

(A) school corporation; or

(B) health authorities; or

(2) school cannot be conducted through no fault of the teacher; the teacher shall receive regular payments during that time.

**(b) If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and (notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.**

**(c) If a school is closed under subsection (a) on a day that is not an instructional day:**

**(1) on which the teacher is required to work and that work day is rescheduled; or**

**(2) on which teacher professional development training or education is provided and the teacher professional development training is rescheduled;**

**each teacher required to work or attend the professional development training or education shall work or attend the teacher professional development training or education on that rescheduled day without additional compensation.**

SECTION 6. IC 20-29-5-7, AS ADDED BY P.L.48-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide



committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address subjects of bargaining under ~~this article~~ **section 4 of this chapter**. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

SECTION 7. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A school employer shall discuss with ~~the exclusive representative of certificated employees~~ **a committee of certificated employees established under IC 20-29-5-7** the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.





(8) Class size or budget appropriations.

(9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.

(10) Hours.

SECTION 8. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of **at least one (1) but** not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) ~~Each~~ **The exchange of each** party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties. **The board will initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days of receiving the invoice from the board.**

(e) Mediation shall be completed within thirty (30) days.

SECTION 9. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) **The board may appoint a financial consultant to assist the**



**factfinder during the factfinding process.** Costs for the factfinder and a financial consultant shall be borne equally by the parties. **The board shall initially reimburse the factfinder or financial consultant for their services. Parties shall reimburse the board by paying all costs associated with the factfinding within thirty (30) days of receiving an invoice from the board.**

(d) Factfinding may not last longer than fifteen (15) days.

SECTION 10. IC 20-29-7-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

(1) setting out a summary of the facts involved; and

(2) specifying the section or sections of this article alleged to have been violated.

**The complaint must be filed within three (3) years of the alleged unfair practice or within three (3) years of the time in which the school employer or school employee reasonably should have known of the alleged unfair practice.**

(c) The board shall:

(1) give notice to the person or school employee organization against whom the complaint is directed; and

(2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

(1) take testimony; and

(2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

SECTION 11. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:



(1) may restrict the factfinder's findings to those issues that the factfinder determines significant;

(2) must restrict the findings to the items listed in IC 20-29-6-4; and

(3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

(1) the parties;

(2) the board;

(3) the board's staff; or

(4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31 of the same year.~~ **February 1 of the following calendar year.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

(1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and

(2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

(1) the report; or

(2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.



(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

SECTION 12. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of ~~five (5)~~ **two (2)** years except by the mutual consent of the parties.

SECTION 13. IC 20-40-14-1, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in this section, money received by a school corporation **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from the general fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

(1) terms of the gift, endowment, or payment; and

(2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

SECTION 14. IC 20-40-14-2, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Both:

(1) money received **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for specific purposes, by gift, endowment, or under a federal statute; and

(2) any earnings on money received for specific purposes, by gift, endowment, or under a federal statute;

may be disbursed without appropriation.

SECTION 15. IC 20-40-14-3, AS ADDED BY P.L.2-2006,



1 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2014]: Sec. 3. A school corporation ~~shall~~ **may**  
3 maintain money received **from the proceeds of rental income, or**  
4 **earnings generated by other school corporation activities, or** by  
5 gift, endowment, or under a federal statute in a special fund as required  
6 by law, including IC 20-35-4-7.

7 SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) The general**  
8 **assembly urges the legislative council to assign to an existing study**  
9 **committee, for study during the 2014 legislative interim, the topic**  
10 **of determining appropriate and feasible incentives to encourage**  
11 **highly effective teachers to teach in poor performing schools.**

12 **(b) This SECTION expires November 1, 2014.**

13 SECTION 17. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 284, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, strike "after".

Page 1, line 7, delete "July 15" and insert "**less than fourteen (14) days before the day on which teachers must report for work**".

and when so amended that said bill do pass.

(Reference is to SB 284 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-28-4-4, AS AMENDED BY P.L.6-2012, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An entity approved by the department may establish a course of study that meets the requirements of this section. A program approved under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grades 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:

(i) prepares a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet



Indiana standards for teaching; and

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 2. IC 20-28-4-5, AS AMENDED BY P.L.205-2013, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) Both:

- (i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and
- (ii) five (5) years professional experience;

in the subject or a related area that the individual intends to teach.

(D) Both:

- (i) a bachelor's degree from an accredited postsecondary educational institution; and
- (ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.



(2) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

- (i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and
- (ii) five (5) years professional experience in an education related field, as determined by the department.

(C) Both:

- (i) a bachelor's degree from an accredited postsecondary educational institution; and
- (ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach."

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 4. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract **or part of a contract** in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

- (i) additional content area degrees beyond the requirements for employment; or
- (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an





agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 5. IC 20-28-9-15, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 15. **(a) Except as provided in subsections (b) and (c),** if during the term of the teacher's contract:

(1) the school is closed by order of the:

(A) school corporation; or

(B) health authorities; or



(2) school cannot be conducted through no fault of the teacher; the teacher shall receive regular payments during that time.

**(b)** If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and (notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.

**(c) If a school is closed under subsection (a) on a day that is not an instructional day:**

**(1) on which the teacher is required to work and that work day is rescheduled; or**

**(2) on which teacher professional development training or education is provided and the teacher professional development training is rescheduled;**

**each teacher required to work or attend the professional development training or education shall work or attend the teacher professional development training or education on that rescheduled day without additional compensation.**

SECTION 6. IC 20-29-5-7, AS ADDED BY P.L.48-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address



subjects of bargaining under ~~this article~~ **section 4 of this chapter**. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

SECTION 7. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A school employer shall discuss with ~~the exclusive representative of certificated employees~~ **a committee of certificated employees established under IC 20-29-5-7** the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
- (10) Hours.

SECTION 8. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of **at least one (1) but** not more than three (3) mediation sessions and must result in one (1) of the following:

- (1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.
- (2) ~~Each~~ **The exchange of each** party's last best offer, including fiscal rationale, related to items permitted to be bargained under



section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties. **The board will initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days of receiving the invoice from the board.**

(e) Mediation shall be completed within thirty (30) days.

SECTION 9. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) **The board may appoint a financial consultant to assist the factfinder during the factfinding process. Costs for the factfinder and a financial consultant shall be borne equally by the parties. The board shall initially reimburse the factfinder or financial consultant for their services. Parties shall reimburse the board by paying all costs associated with the factfinding within thirty (30) days of receiving an invoice from the board.**

(d) Factfinding may not last longer than fifteen (15) days.

SECTION 10. IC 20-29-7-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

- (1) setting out a summary of the facts involved; and
- (2) specifying the section or sections of this article alleged to have been violated.

**The complaint must be filed within three (3) years of the alleged unfair practice or within three (3) years of the time in which the**



**school employer or school employee reasonably should have known of the alleged unfair practice.**

- (c) The board shall:
  - (1) give notice to the person or school employee organization against whom the complaint is directed; and
  - (2) determine the matter raised in the complaint.
- (d) Appeals may be taken under IC 4-21.5-3.
- (e) A hearing examiner or agent of the board, who may be a member of the board, may:
  - (1) take testimony; and
  - (2) make findings and conclusions.
- (f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

SECTION 11. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

- (c) The factfinder:
  - (1) may restrict the factfinder's findings to those issues that the factfinder determines significant;
  - (2) must restrict the findings to the items listed in IC 20-29-6-4; and
  - (3) may not impose terms beyond those proposed by the parties in their last, best offers.
- (d) The factfinder may use evidence furnished to the factfinder by:
  - (1) the parties;
  - (2) the board;
  - (3) the board's staff; or
  - (4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31 of the same year.~~ **February 1 of the**



**following calendar year.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

- (1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and
- (2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

- (1) the report; or
- (2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

SECTION 12. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of ~~five (5)~~ **two (2)** years except by the mutual consent of the parties.

SECTION 13. IC 20-40-14-1, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in this



section, money received by a school corporation **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from the general fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

(1) terms of the gift, endowment, or payment; and

(2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

SECTION 14. IC 20-40-14-2, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Both:

(1) money received **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for specific purposes, by gift, endowment, or under a federal statute; and

(2) any earnings on money received for specific purposes, by gift, endowment, or under a federal statute;

may be disbursed without appropriation.

SECTION 15. IC 20-40-14-3, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A school corporation ~~shall~~ **may** maintain money received **from the proceeds of rental income, or earnings generated by other school corporation activities, or** by gift, endowment, or under a federal statute in a special fund as required by law, including IC 20-35-4-7.

SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an existing study committee, for study during the 2014 legislative interim, the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.**



**(b) This SECTION expires November 1, 2014.**

**SECTION 17. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 284 as printed January 31, 2014.)

BEHNING, Chair

Committee Vote: yeas 7, nays 3.

